

REFERENCE TITLE: renewable energy; legislative authority

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

## **HB 2381**

Introduced by  
Representatives Seel, Gowan, Stevens, Senator Pearce R: Representatives Antenori, Ash, Burges, Crump, Kavanagh, Montenegro, Weiers J, Weiers JP, Senators Allen S, Gould, Harper, Melvin

### AN ACT

AMENDING TITLE 30, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; AMENDING TITLE 41, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 14; RELATING TO RENEWABLE ENERGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 30, Arizona Revised Statutes, is amended by adding  
3 chapter 7, to read:

CHAPTER 7

# RENEWABLE ENERGY

## ARTICLE 1. GENERAL PROVISIONS

## 30-901. Renewable energy; prohibition; consumer choice; definitions

9       A. THIS STATE AND ITS POLITICAL SUBDIVISIONS ARE PROHIBITED FROM  
10 REQUIRING A PUBLIC POWER ENTITY OR A PUBLIC SERVICE CORPORATION TO PURCHASE  
11 OR PROVIDE A SPECIFIC PERCENTAGE OR AMOUNT OF THE TOTAL ENERGY PROVIDED OR  
12 SOLD BY THE PUBLIC POWER ENTITY OR PUBLIC SERVICE CORPORATION FROM RENEWABLE  
13 ENERGY SOURCES.

14           B. EVERY RETAIL UTILITY CUSTOMER HAS THE RIGHT TO CHOOSE WHETHER THE  
15 CUSTOMER RECEIVES AND PAYS FOR ENERGY GENERATED THROUGH A RENEWABLE ENERGY  
16 SOURCE.

C. FOR THE PURPOSES OF THIS SECTION:

18       1. "PUBLIC POWER ENTITY" MEANS ANY MUNICIPAL CORPORATION, CITY, TOWN  
19 OR OTHER POLITICAL SUBDIVISION THAT IS ORGANIZED UNDER LAW, THAT DISTRIBUTES  
20 OR OTHERWISE PROVIDES ELECTRICITY TO RETAIL CUSTOMERS IN THIS STATE AND THAT  
21 IS NOT A PUBLIC SERVICE CORPORATION.

22        2. "RENEWABLE ENERGY" INCLUDES THE PRODUCTION AND DISTRIBUTION OF  
23 SOLAR, WIND, BIOMASS, GEOTHERMAL, NUCLEAR, AGRICULTURAL WASTE, LANDFILL GAS  
24 AND HYDROELECTRIC POWER.

25 Sec. 2. Title 41, chapter 7, Arizona Revised Statutes, is amended by  
26 adding article 14, to read:

## ARTICLE 14. RENEWABLE ENERGY

**41-1295. Legislative authority; renewable energy; definition**

29           A. THE LEGISLATURE RESERVES THE EXCLUSIVE POWER, AUTHORITY AND  
30 JURISDICTION TO SET FORTH STATEWIDE RENEWABLE ENERGY POLICY, EXCEPT:

31           1. IF THE LEGISLATURE HAS EXPRESSLY DELEGATED AUTHORITY TO OTHER  
32 AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS STATE TO ADMINISTER  
33 CLEARLY ARTICULATED STATEWIDE LEGISLATIVE POLICY.

34           2. UTILITY RATE SETTING TO THE EXTENT DELEGATED BY THE STATE  
35 CONSTITUTION TO OTHER AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS  
36 STATE.

37 B. THIS SECTION DOES NOT SUPERSEDE ANY EXISTING AUTHORITY OF POLITICAL  
38 SUBDIVISIONS OF THIS STATE TO ADOPT AND ENFORCE LOCAL RENEWABLE ENERGY POLICY  
39 THAT DOES NOT CONFLICT WITH STATEWIDE RENEWABLE ENERGY POLICY SET BY THE  
40 LEGISLATURE.

41 C. FOR THE PURPOSES OF THIS SECTION, "RENEWABLE ENERGY POLICY"  
42 INCLUDES TARGETS, MANDATES, TAX CREDITS AND INCENTIVES RELATING TO AND THE  
43 REGULATION OF THE PRODUCTION AND DISTRIBUTION OF SOLAR, WIND, BIOMASS,  
44 GEOTHERMAL, NUCLEAR, AGRICULTURAL WASTE, LANDFILL GAS AND HYDROELECTRIC  
45 POWER.